

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CLARENCE PENDERGRASS, JR.,

Plaintiff,

No. CIV S-05-728 DFL GGH P

vs.

R.C.C.C., et al.,

Defendants.

ORDER

Plaintiff is a state prisoner proceeding pro se. On June 14, 2005, the court issued an order finding that the complaint stated a colorable claim against defendant Barnes. The court dismissed the claims against the remaining defendants with leave to amend and granted plaintiff thirty days to file an amended complaint. Thirty days passed and plaintiff did not file an amended complaint. Accordingly, the court now orders service of defendant Barnes and separately recommends dismissal of the claims against the remaining defendants.

In accordance with the above, IT IS HEREBY ORDERED that:

1. Service is appropriate for the following defendants: Barnes.
2. The Clerk of the Court shall send plaintiff 1USM-285 form, one summons, an instruction sheet and a copy of the complaint filed April 14, 2005.
3. Within thirty days from the date of this order, plaintiff shall complete the

1 attached Notice of Submission of Documents and submit the following documents to the court:

- 2 a. The completed Notice of Submission of Documents;
- 3 b. One completed summons;
- 4 c. One completed USM-285 form for each defendant listed in number 3
- 5 above; and
- 6 d. Two copies of the endorsed complaint filed April 14, 2005.

7 4. Plaintiff need not attempt service on defendants and need not request waiver of
8 service. Upon receipt of the above-described documents, the court will direct the United States
9 Marshal to serve the above-named defendants pursuant to Federal Rule of Civil Procedure 4
10 without payment of costs.

11 DATED: 8/30/05

12 /s/ Gregory G. Hollows

13 _____
14 GREGORY G. HOLLOWS
UNITED STATES MAGISTRATE JUDGE

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CLARENCE PENDERGRASS, JR.,

Plaintiff,

No. CIV S-05-0728 DFL GGH P

vs.

R.C.C.C., et al.,

Defendants.

NOTICE OF SUBMISSION
OF DOCUMENTS

_____/

Plaintiff hereby submits the following documents in compliance with the court's
order filed _____:

1 completed summons form

1 completed USM-285 forms

2 copies of the _____
Complaint/Amended Complaint

DATED:

Plaintiff